



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: .

Shozo SHOJI

Serial No.: 09/889,845

Filed: July 23, 2001

For: CYCLIC PEPTIDES AND AIDS
VACCINES

) Examiner: Jeffrey PARKIN

) Art Unit: 1648

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

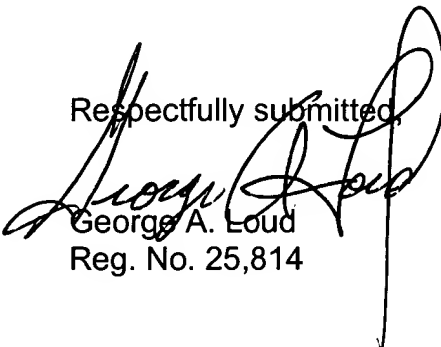
It is respectfully requested that the holding of abandonment set forth in the notice mailed December 14, 2004 be withdrawn as, in fact, there was no abandonment.

A timely response to the "Notice to Comply..." dated February 13, 2004 was submitted on March 2, 2004 and constituted a complete response to the notice of February 13, 2004. A copy of applicant's response filed March 2, 2004, together with a copy of the postcard receipt therefor is attached hereto.

On January 7, 2005, the undersigned discussed the holding of abandonment with examiner Jeffrey Parkin. Examiner Parkin acknowledged that a complete response, filed March 2, 2004 is present in the USPTO file. Examiner Parkin surmised that the response of March 2, 2004 was not completely and/or improperly scanned and that he

acted on what had been scanned rather than on applicants' response as filed.

Accordingly, it is respectfully requested that the captioned application be returned to pending status and be acted upon in due course.

Respectfully submitted,

George A. Loud
Reg. No. 25,814

Dated: January 11, 2005

LORUSSO, LOUD & KELLY
3137 Mount Vernon Avenue
Alexandria, VA 22305

(703) 739-9393



The "Received" Stamp of the USPTO imprinted hereon acknowledges the filing of:

Description of Paper: Response to Notice to Comply...; Sequence Listing in Paper and Computer Readable formats; Statement to Support Filing; and copy of Raw Sequence Listing Error Report

Name of Applicant/Patentee: Shozo SHOJI

U.S.S.N. 09/889,845



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

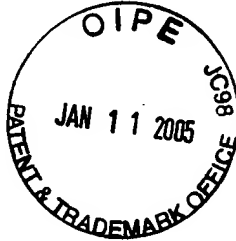
In re the Application of:

Shozo SHOJI

Serial No.: 09/889,845

Filed: July 23, 2001

For: CYCLIC PEPTIDES AND AIDS
VACCINES



)
) Examiner: Jeffrey PARKIN
)
) Art Unit: 1648
)
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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES

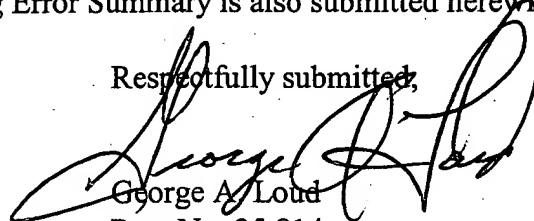
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the "Notice to Comply..." dated February 13, 2004, submitted herewith is a corrected Sequence Listing in both paper and computer readable forms, along with a statement to support the filing in accordance with 37 CFR 1.821-1.825. Please substitute the enclosed Sequence Listing for that previously filed.

A copy of the Raw Sequence Listing Error Summary is also submitted herewith.

Respectfully submitted,

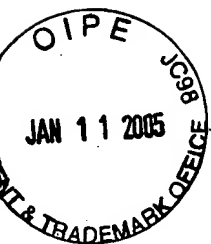


George A. Loud
Reg. No. 25,814

Dated: March 2, 2004

LORUSSO & LOUD
3137 Mount Vernon Avenue
Alexandria, VA 22305

(703) 739-9393



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: MIT-C102

In re patent application of

SHOJI, SHOZO

Serial No. 09/889,845

Filed: July 23, 2001

For: CYCLO DODECAPEPTIDE AND AIDS VACCINE

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop SEQUENCE

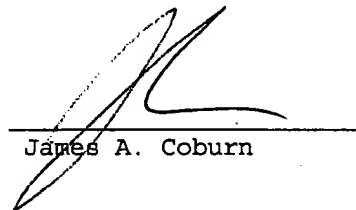
Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

March 1, 2004
Date


James A. Coburn

HARBOR CONSULTING IP SERVICES, INC.
1500A Lafayette Road, #262
Portsmouth, N.H.
800-318-3021



1

SEQUENCE LISTING

<110> SHOJI, SHOZO

<120> CYCLO DODECAPEPTIDE AND AIDS VACCINE

<130> MIT-C102

<140> 09/889,845

<141> 2001-07-23

<160> 3

<170> PatentIn Ver. 3.2

<210> 1

<211> 12

<212> PRT

<213> Artificial Sequence

<220>

<223> Description of Artificial Sequence: Synthetic
cyclo-oligo peptide

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Glu Ala Asp Asp Arg
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<212> PRT

<213> Artificial Sequence

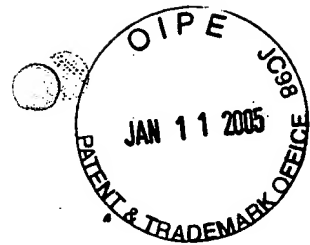
<220>

<223> Description of Artificial Sequence: Synthetic
peptide

<400> 3

Ser Gln Lys Glu Gly
1 5

Raw Sequence Listing Error Summary



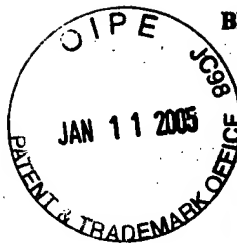
ERROR DETECTED	SUGGESTED CORRECTION	SERIAL NUMBER: 09/889,845
ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE		
1 ____ Wrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."	
2 ____ Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.	
3 ____ Misaligned Amino Numbering	The numbering under each 5 th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.	
4 ____ Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.	
5 ____ Variable Length	Sequence(s) ____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.	
6 ____ PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.	
7 ____ Skipped Sequences (OLD RULES)	Sequence(s) ____ missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.	
8 ____ Skipped Sequences (NEW RULES)	Sequence(s) ____ missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000	
9 ____ Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.	
10 ____ Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence	
11 ____ Use of <220>	Sequence(s) ____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. IMPORTANT (See "Federal Register," 00/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)	
12 ____ PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.	
13 ____ Misuse of n/Xaa	"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid	

RECEIVED

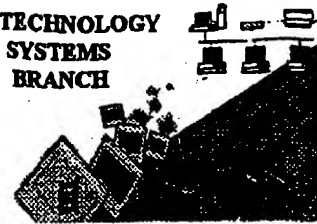
NOV 10 2003

TECH CENTER 1800/2900

RAW SEQUENCE LISTING
ERROR REPORT



BIOTECHNOLOGY
SYSTEMS
BRANCH



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

09/889,845

Source:

1600

Date Processed by STIC:

11/6/03

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 703-308-4212; FAX: 703-308-4221

Effective 12/13/03: TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.1 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkr41note.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

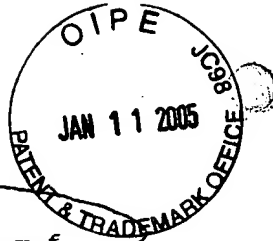
Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/efc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry directly to (EFFECTIVE 12/01/03):
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 10/08/03

BEST AVAILABLE COPY



09/889,845

~~delete~~

~~#####~~, r, d, p, t; d, m, b, d , k, h, r, s, h, m, f

- <110> Nissui Pharmaceutical Co., Ltd.
- <120> Cyclo dodecapeptide and aids vaccine
- <130> NSM003422PCT
- <160> 3
- <210> 1
- <211> 12
- <212> PRT
- <213> Artificial Sequence
- <220> ~~peptide~~ ~~delete~~ - never insert a response
- <300>

<301> Shozo Shoji

<302> Synthesis of Cyclo-oligo peptide and its biological activity?

<303> Japan Pharmacology Academy Kyushu branch Mass meeting
Lecture summary collection

<306> 43

<307> 1998-11-10 → 4007 1

<400> Arg Asp Asp Ala Glu Gly Glu Lys Gln Ser Asp Gly

~~#####~~ 10

<210> 2

<211> 5

<212> PRT

<213> Artificial Sequence

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<400> Glu Ala Asp Asp Arg

5

<210> 3

<211> 5

<212> PRT

<213> Artificial Sequence

<220> ~~peptide~~

<400> Ser Gln Lys Glu Gly

5

Does it comply
Corrected Discrete Needer

Does it comply
Corrected Discrete Needer

Give
source
of
genetic
material
only.

to <220> it is a "header"
only.
Mean
"activity"?

delete these invalid markers
explain on <223> line

Please
ensure amino
acid number
are aligned properly
Do not use TAB
codes between
amino acid number

- 1) Consult Sequence Rules
for VALID format.
- 2) see item 11 on Error Summary
Sheet.

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